HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 6012 of 2007

DATED: 3-04-2007

Between:

Babu Jagjeevan Ram, S.C.Labour Contract Mutually Aided Cooperative Society Ltd., rep. by its President K.Madhukar.

…Petitioner

and

The Municipal Council, Sircilla, Karimnagar District, rep. by its Commissioner and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6012 of 2007

ORAL ORDER:

For the work of constructing a compound wall around the Indira Park in Sainagar area of Siricilla Municipality, tenders were called for. The petitioner, a Labour Contract Mutually Aided Cooperative Society submitted its bid. The bids of the other five tenderers were rejected on the ground that the processing fee of Rs.2,500/- was not paid by them. The petitioner is thus, the sole qualified tenderer. He quoted 4.99 percent in excess of the estimated rate. Despite his bid, his tender has not been considered. He also submitted a representation to the respondents to consider his tender. No orders have been passed thereon. While so, the Municipal Council is stated to have resolved on 28-2-2007 to notify afresh calling for tenders for the work for which the petitioner had already submitted his bid pursuant to the earlier tender notification, dated 4-1-2007.

The petitioner's submission is that without cancelling his tender and after a notice of opportunity to him, the respondents may not notify afresh. No normative principle is propounded to support this contention, nor there is an authority marshalled for the submission that a person who had submitted his bid pursuant to a public notification inviting tenders, is entitled to an opportunity before cancellation by the competent authority of the tendering process. If the work in question is re-notified calling for applications, the petitioner is entitled to and the respondents obligated to refund any EMD/Process fee furnished by the petitioner. The petitioner is not however entitled to any notice or

opportunity before cancellation of the earlier tendering process on the ground that the response was not adequate.

On the aforesaid analysis, there are no merits and the writ petition is accordingly dismissed, after hearing the learned Standing Counsel for the respondent-Municipality Sri Polishetti Radhakrishna, also. There shall be no order as to costs.

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GODA RAGHURAM, J

3-04-2007
GRR